



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 2**  
**290 BROADWAY**  
**NEW YORK, NEW YORK 10007-1866**

CERTIFIED MAIL –  
RETURN RECEIPT REQUESTED

1<sup>st</sup> State LLC  
125 State Street  
Westbury, NY 11590

Re: Notice of Potential Liability Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9607(a), Related to the New Cassel/Hicksville Ground Water Contamination Superfund Site in the Towns of Hempstead, North Hempstead and Oyster Bay in Nassau County, New York

Dear Sir or Madam:

The U.S. Environmental Protection Agency (“EPA”) is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. §§ 9601-9675. EPA has documented the release and threat of release of hazardous substances into the environment at the New Cassel/Hicksville Ground Water Contamination Superfund Site located in the Towns of Hempstead, North Hempstead, and Oyster Bay in Nassau County, New York (the “Site”). A Site Description and Site Location Map are enclosed, at Attachments 1 and 2, respectively. On September 16, 2011, the Site was listed on the “National Priorities List” of hazardous substance releases that has been established pursuant to CERCLA. In response to these releases and the threat of future releases, EPA has spent public funds and EPA anticipates spending additional public funds for the Site.

The Site comprises a widespread area of ground water contamination in the Towns of Hempstead, North Hempstead, and Oyster Bay. The Site is located in a heavily developed area consisting of industrial, commercial, and residential land where a variety of past industrial and commercial activities may have contributed to ground water contamination. Prior to the Site’s inclusion on the National Priorities List, an EPA investigation revealed the presence of volatile organic compounds (“VOCs”) including, but not limited to, tetrachloroethylene (“PCE”) and trichloroethylene (“TCE”) above state and federal drinking water standards in influent water in the following public water supply wells: four Town of Hempstead wells (Bowling Green 1 and 2, Roosevelt Field 10 and Levittown 2A), six Hicksville wells (4-2, 5-2, 5-3, 8-1, 8-3 and 9-3) and Westbury Water District Well 11. The aquifers underlying the Site serve as drinking water for the public water systems in the Towns of North Hempstead, Hempstead and Oyster Bay.

## NOTICE OF POTENTIAL LIABILITY

Under CERCLA, responsible parties may be held liable for all monies expended by the federal government in taking response actions in connection with a site where there has been a release or a threatened release of hazardous substances -- including the costs of the government's investigative, planning, removal, remedial, and enforcement actions. Responsible parties may also be ordered by EPA to take response actions. Responsible parties under CERCLA include, among others, the current and past owners or operators of a facility from which there has been a release or threatened release of a hazardous substance, and persons or entities that arranged for the treatment or disposal of hazardous substances that were found at a given site.

EPA believes that you are potentially liable as the current owner of 125 State Street, Westbury, NY, which is a facility from which there has been a release or threatened release of hazardous substances impacting the Site. Accordingly, EPA considers you to be a potentially responsible party ("PRP") pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

On September 30, 2013, EPA issued a Record of Decision ("ROD") which selected a remedy for the first operable unit ("OU1") at the Site. OU1 is the area of groundwater contamination immediately downgradient of the New Cassel Industrial Area, as generally depicted on the map enclosed as Attachment 3. EPA anticipates issuing an order pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), in the near future, for the performance of the remedial design of the remedy, including a preliminary design investigation.

If you have any questions regarding this notice of potential liability, or would like to discuss this matter with EPA, you may contact Ms. Kivowitz at 212-637-3183 or [kivowitz.sharon@epa.gov](mailto:kivowitz.sharon@epa.gov). We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

Nicoletta Diforte  
Senior Enforcement Policy Advisor  
Emergency and Remedial Response Division

Enclosures